

IN THE UNITED STATES DISTRICT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

GARY GREEN,

Petitioner,

v.

Civil Action No. 1:10cv44  
(Judge Keeley)

KUMA J. DEBOO, Warden,

Respondent.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On June 3, 2010, United States Magistrate Judge David J. Janes issued a Report and Recommendation ("R&R")(dkt. 15), in which he recommended that the Court grant the motion of the respondent, Kuma J. Deboo ("Deboo"), for summary judgment; deny the motion of the petitioner, Gary Green ("Green"), for summary judgment; deny Green's petition for relief under 28 U.S.C. § 2241; and dismiss this case with prejudice. The R&R also specifically warned Green that failure to object to the recommendation would result in the waiver of appellate rights on this issue. Nevertheless, Green filed no objections before the time to do so expired.<sup>1</sup> Consequently, the Court **ADOPTS** the R&R (dkt. 15) in its entirety, **GRANTS** Deboo's

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<sup>1</sup>The failure to object to the R&R not only waives appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issues presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

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motion for summary judgment (dkt. 10), **DENIES** Green's motion for summary judgment (dkt. 14), **DENIES** Green's petition pursuant to 28 U.S.C § 2241 (dkt. 1), and **DISMISSES** this case **WITH PREJUDICE**.

It is so **ORDERED**.

Pursuant to Fed. R. Civ. P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to mail a copy of both Orders to the pro se plaintiff, certified mail, return receipt requested and to transmit copies of both Orders to counsel of record.

Dated: July 8, 2010.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE